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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, JUNE 26, 2001

PETITION OF

CITY OF NORFOLK

CASE NO. PUE000485

For declaratory judgment

ORDER GRANTING MOTION FOR VOLUNTARY DISMISSAL

On September 26, 2000, the City of Norfolk ("Norfolk" or "Petitioner") filed a petition for declaratory judgment with the State Corporation Commission ("Commission"). In its petition, Norfolk requested that the Commission declare that the City of Virginia Beach, Virginia ("Virginia Beach") is precluded from filing a petition to take by condemnation proceedings any property belonging to Norfolk unless and until Virginia Beach, pursuant to § 25-233 of the Code of Virginia, first seeks and obtains the Commission's approval to initiate such proceedings.

On October 10, 2000, we issued an Order Inviting Response and Request for Hearing. On October 24, 2000, Virginia Beach filed a Motion to Dismiss and Answer. On November 3, 2000, Norfolk filed a Response to Virginia Beach's Motion which requested oral argument be scheduled on its Petition. On November 16, 2000, Virginia Beach filed a Motion for Leave to File a Reply Memorandum and a Reply Memorandum in support of its Motion. Virginia Beach also requested an opportunity for oral

argument on its Motion. Both parties subsequently filed additional pleadings.

On January 23, 2001, the Commission issued an Order Granting Oral Argument scheduling a hearing for February 6, 2001. On January 26, 2001, Norfolk and Virginia filed a joint motion for continuance of the February 6, 2001, hearing, and on January 30, 2001, we issued an Order Granting Motion rescheduling the hearing for March 22, 2001. Norfolk and Virginia then, on February 16, 2001, filed a joint motion for continuance of the hearing scheduled for March 22, 2001. The motion stated that Norfolk and Virginia Beach had resolved the disputes between them, subject to the closing of the sale of the subject property in this matter, and moved the Commission to continue the hearing generally. We continued the hearing generally and left the matter open for further orders of the Commission on February 22, 2001.

On June 15, 2001, Norfolk filed a Motion for Dismissal of Proceeding stating that it was moving to withdraw its petition and dismiss this proceeding based on an agreement entered into between Virginia Beach and Norfolk as to the condemnation of certain property of Norfolk.

NOW THE COMMISSION, upon consideration of Norfolk's motion, is of the opinion and finds that the motion should be granted

without prejudice. In dismissing this proceeding we make no finding on the merits of Norfolk's petition.

Accordingly, IT IS ORDERED THAT:

(1) Norfolk's June 15, 2001, motion is granted.

(2) This matter is hereby dismissed without prejudice from the Commission's docket of active proceedings, and the papers filed herein shall be placed in the Commission's file for ended causes.

Commissioner Moore did not participate in this matter.